

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff(s),

v.

MIGUEL AVILA, et al.,

Defendant(s).

Case No. 2:14-CR-41 JCM (PAL)

SEALED ORDER

Presently before the court is defendant Miguel Avila's sealed emergency motion to continue sentencing. (Doc. # 24).

On February 25, 2014, defendant Avila entered a plea of guilty to one count of conspiracy to commit wire and mail fraud, in violation of 18 U.S.C. § 1349. (Docs. ## 6, 7). Defendant is scheduled for sentencing on Friday, May 22, 2015. (Doc. # 23).

Defendant currently resides in Wisconsin under pretrial services supervision. On April 13, 2015, defendant's mother passed away. (Doc. # 24). Defendant's mother rented the same residence for 43 years. (*Id.*). The landlord has given defendant and his sister until June 13, 2015, to clear the premises of his mother's personal possessions. (*Id.*).

Further, defendant states that his only source of income is through participation in medical studies as a test subject. (*Id.*). Defendant was scheduled to begin a study on May 26, 2015, that would pay him over \$5,000. (*Id.*). The testing facility rescheduled the medical trial to start on May 14, 2015, and continue through June 12, 2015. (*Id.*). Counsel requests that defendant's sentencing be moved to a date convenient to the court on or after June 13, 2015. (*Id.*).

Counsel contacted the government to propose a stipulation to move defendant's sentencing date. (*Id.*). The government declined to agree to a continuance, because government counsel is

1 traveling for all the sentencings for the home owners' association cases. (*Id.*). Defendant asserts
2 that the government is scheduled for related sentencings already on June 16, 2015, June 17, 2015,
3 July 20, 2015, August 3, 2015, and August 17, 2015. (*Id.*). Defendant is available on all of these
4 dates. (*Id.*).


5 Based on the foregoing, the court finds it appropriate to grant defendant's motion. The
6 court will reset the sentencing for Tuesday, June 16, 2015, at 10:30 am.

7 Accordingly,

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Miguel
9 Avila's sealed emergency motion to continue sentencing, (doc. # 24), be, and the same hereby is,
10 GRANTED.

11 IT IS FURTHER ORDERED that the sentencing hearing currently set for Friday, May 22,
12 2015, at 10:00 am be, and the same hereby is, CONTINUED to Tuesday, June 16, 2015, at 10:30
13 am.

14 DATED May 18, 2015.

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16 UNITED STATES DISTRICT JUDGE